

1 HONORABLE JAMES L. ROBART  
2  
3  
4  
5  
6

7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 VAPORPATH, INC., a Washington  
corporation,

11 Plaintiff,

12 v.

13 WNA, INC., a Delaware Corporation, and  
NOVOLEX HOLDINGS, LLC, a Delaware  
14 limited liability company,

15 Defendants.

Case No. 3:19-CV-5807-JLR

Noted for September 2, 2020

ORDER GRANTING STIPULATED  
MOTION FOR ADDITIONAL TIME TO  
RESPOND TO PLAINTIFF'S MOTION TO  
COMPEL

16 **I. STIPULATION AND RELIEF REQUESTED**

17 COMES NOW Plaintiff Vaporpath and Defendants WNA, Inc. and Novolex Holdings,

18 LLC (hereinafter "defendants"), by and through their counsel of record, and respectfully move  
19 the Court for an order granting a two-week extension of time for defendants to respond to  
20 plaintiff's Motion to Compel (document no. 38) and for plaintiff to reply. This motion is  
21 supported by the Declaration of Ramon B. Henderson.

22 **INTRODUCTION**

23 Plaintiff filed its Motion to Compel on August 26, 2020 with a noted hearing date of  
24 Friday, September 11, 2020. On August 28, 2020, defendants notified plaintiff of defendants'  
25 intent to file this motion and sought plaintiff's position. Henderson Decl. ¶ 4. At defendants'  
26 request, plaintiff has indicated it will agree to a 14-day extension. *Id.* Defendants appreciate this

375432

STIPULATED MOTION FOR ADDITIONAL TIME TO RESPOND TO  
PLAINTIFF'S MOTION TO COMPEL – Page 1  
(Case No. 3:19-CV-5807 JLR)

Hodgkinson  
Street  
Mepham, LLC

1620 SW Taylor  
Suite 350  
Portland, OR 97205  
(503) 222-1143  
(503) 222-1296 (fax)

1 courtesy. Defendants' response opposing plaintiff's currently due Motion to Compel is due  
2 Tuesday, September 8, 2020.<sup>1</sup> The new due date if this motion is granted by the court will be  
3 Monday, September 21, 2020. The new due date for plaintiff's reply if this motion is granted by  
4 the court will be Monday, September 28, 2020. The parties have been, and still are, engaged with  
5 ongoing mediation and settlement discussions. *Id.* ¶ 3.

6 **ARGUMENT**

7 Pursuant to LCR 7(j), a party may move the court for relief from a deadline. This motion  
8 is made well in advance of defendants' response deadline of September 8, 2020. Defendants  
9 request additional time to file a response in opposition to plaintiff's Motion to Compel for the  
10 following reasons.

11 First, as mentioned above, the parties are engaged in settlement discussions.

12 Second, the discovery cutoff in this case is not until January 26, 2021, giving the parties  
13 nearly four months to complete discovery. A two-week extension will not unfairly prejudice  
14 either parties' ability to obtain relevant discovery. Furthermore, granting this motion for an  
15 extension of time would not create any foreseeable conflicts. Other than the hearing for  
16 plaintiff's Motion to Compel, there is currently nothing on the case schedule until the discovery  
17 cutoff date.

18 Third, like plaintiff's counsel, defense counsel has a busy practice that requires meeting  
19 multiple deadlines with multiple courts simultaneously. At times, this results in a need for relief  
20 from imposed deadlines.

21 Fourth, the ongoing public health crisis involving COVID-19 has reduced our office's  
22 ability to function at its pre-COVID-19 efficiency.

23 //

24 //

25

26

---

<sup>1</sup> Monday, September 7, 2020 is the federal Labor Day holiday.

1 //

2 **II. CONCLUSION**

3 For the foregoing reasons, defendants request an order granting a two-week extension of  
4 time for defendants' response until Monday, September 21, 2020, and until Monday, September  
5 28, 2020 for plaintiff's reply.

6 DATED this 2<sup>nd</sup> day of September, 2020.

7

8

9 /s/ Jeff Bone (per email authorization)

10 Jeff Bone, WSBA No. 28169  
CORR CRONIN LLP  
11 1001 Fourth Avenue, Suite 3900  
Seattle, WA 98154  
12 [jbone@corrchronin.com](mailto:jbone@corrchronin.com)  
13 Attorney for Plaintiff

/s/ David S. Mepham

David S. Mepham, WSB No. 21087  
HODGKINSON STREET MEPHAM, LLC  
1620 SW Taylor Street, Suite 350  
Portland, OR 97205  
[dsm@hs-legal.com](mailto:dsm@hs-legal.com)  
14 Attorney for Defendants

15

16

17 **III. ORDER**

18 IT IS SO ORDERED that, for good cause shown, the Court will grant a two-week  
19 extension of time for defendants to file a response to plaintiff's Motion to Compel until Monday,  
20 September 21, 2020 and for plaintiff to file a reply until Monday, September 28, 2020.

21

22 Dated: September 4, 2020



\_\_\_\_\_  
HONORABLE JAMES L. ROBART  
United States District Court Judge

23

24

25 //

26

375432

STIPULATED MOTION FOR ADDITIONAL TIME TO RESPOND TO  
PLAINTIFF'S MOTION TO COMPEL – Page 3  
(Case No. 3:19-CV-5807 JLR)

Hodgkinson  
Street  
Mepham, LLC

1620 SW Taylor  
Suite 350  
Portland, OR 97205  
(503) 222-1143  
(503) 222-1296 (fax)

1    // / / /

2    // / / /

3    Presented by:

4    HODGKINSON STREET MEPHAM, LLC

5

6    /s/ David S. Mepham \_\_\_\_\_

7    David S. Mepham, WSBA No. 21087

8    1620 SW Taylor Street, Suite 350

9    Portland, Oregon 97205

10    (503) 222-1143 (phone)

11    [dsm@hs-legal.com](mailto:dsm@hs-legal.com)

12    Attorney for Defendants

13

14    CORR CRONIN LLP

15

16    /s/ Jeff Bone (per email authorization)

17    Blake Marks-Dias, WSBA No. 28169

18    Jeff Bone, WSBA No. 43965

19    1001 Fourth Avenue, Suite 3900

20    Seattle, Washington 98154

21    (206) 625-8600 (phone)

22    [bmarksdi@corrcronin.com](mailto:bmarksdi@corrcronin.com)

23    [jbone@corrcronin.com](mailto:jbone@corrcronin.com)

24    Attorneys for Plaintiff

25

26

375432

STIPULATED MOTION FOR ADDITIONAL TIME TO RESPOND TO  
PLAINTIFF'S MOTION TO COMPEL – Page 4  
(Case No. 3:19-CV-5807 JLR)

Hodgkinson  
Street  
Mepham, LLC

1620 SW Taylor  
Suite 350  
Portland, OR 97205  
(503) 222-1143  
(503) 222-1296 (fax)